

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 218 - SB 542

February 10, 2013

**SUMMARY OF BILL:** Broadens the definition of “bigamy” under Tenn. Code Ann. § 39-15-301 to include those who marry and purport to marry “or be married.” Enhances bigamy from a Class A misdemeanor to a Class E felony. Specifies that bigamy is a “continuing offense” for purposes of the statute of limitations and that concealment of the offense will toll the statute of limitations.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$368,700/Incarceration\***

Assumptions:

- According to statistics from the Administrative Office of the Courts, there has been an average of 1.8 convictions per year for bigamy over the past five years. The AOC’s statistics represent convictions in state trial courts. It is assumed that the number of convictions in state trial courts represent 10 percent of the convictions in general sessions courts. It is assumed that there will be 18 total convictions (1.8 convictions x 10) each year for bigamy.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will account for two additional offenders (18 offenders x .1178 = 2.12) for a total of 20 offenders (18 offenders + 2 = 20).
- According to the DOC, 33.75 percent of offenders will re-offend within one year of their release. A recidivism discount of 33.75 percent has been applied to this estimate to account for the impact of offenders who would re-offend under current law within the additional time added by this bill. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under the proposed law (20 offenders x 0.3375 = 7 offenders).
- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2013 is \$64.17.
- The average time served for a Class E felony is 1.21 years.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 13 offenders [20 offenders – 7 offenders (recidivism discount) = 13 offenders] serving


1.21 years. The cost per offender at 1.21 years (441.95 days) is \$28,360 (\$64.17 x 441.95 days). The cost for 13 offenders is \$368,680 (\$28,360 x 13).

- The bill enhances the punishment for an existing crime. This will increase the case loads of the District Attorneys General Conference and the District Public Defenders Conference. It is assumed that the DAGC and DPDC will be able to accommodate any increase within existing resources.
- Any impact to the caseloads of state trial courts can be accommodated within existing judicial resources without an increased appropriation or reduced reversion

\*Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.

### **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read 'Lucian D. Geise', is positioned above the printed name.

Lucian D. Geise, Executive Director

/trm